



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

*Mr Forman*

*14901*

*PLM II*

IN REPLY  
REFER TO:

B-196171

September 16, 1980

The Honorable Peter W. Rodino, Jr.  
Chairman, Committee on the Judiciary  
House of Representatives

*HS 2025 00*

Dear Mr. Chairman:

We refer to your letter of July 31, 1980, requesting our views on H.R. 7638 a bill "[f]or the relief of Allen H. Platnick."

The bill provides that Mr. Allen H. Platnick receive \$3,542.52 in full settlement of his claim against the Government for the expenses of temporary quarters, subsistence, storage of household goods, and rental of an automobile incident to his transfer from a civilian position with the Department of the Army to a position with the Department of the Air Force. These expenses were incurred between September 9, 1978, and November 24, 1978.

Mr. Platnick's claim for the amount which is the subject matter of this bill was disallowed by our Claims Division on September 24, 1979, as there was no legal authority for reimbursement to him of the amounts claimed. His claim was also considered for reporting to the Congress under the Meritorious Claims Act, 31 U.S.C. § 236. However, after consideration we determined that Mr. Platnick's claim did not satisfy the criteria we require for reporting of a claim to Congress under that act. By letter of February 1, 1980, (copy enclosed) Mr. Platnick was so advised.

Since we assume that you will receive a full report from the Department of the Army and the Department of the Air Force regarding this matter, we shall not go into great detail on the factual background of this claim.

According to our records, Mr. Platnick was a Department of the Army civilian employee in Taegu, Korea, during 1978. His Army position was not permanent and, therefore, in March 1978, he enrolled

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in the Department of Defense Priority Placement Plan. On August 4, 1978, the Army informed him that he had been offered a position with the Department of the Air Force in Spokane, Washington. The Army issued him travel orders on August 10, 1978, indicating among other things, a September 18, 1978 reporting date for his new position.

On or about August 17, 1978, Mr. Platnick called Air Force personnel at Spokane, Washington, to ascertain more specific facts regarding his new position. He was told that his qualifications for the position were now being disputed. From this time until he left Korea on September 6, 1978, the claimant attempted to resolve the problem relative to his qualifications. While informed by the Army that the dispute had been resolved, the record is devoid of any indication that he verified this with the Air Force.

Indeed, when Mr. Platnick attempted to report for duty, Air Force personnel informed him that the qualifications dispute had not been resolved. It was not until October 22, 1978, that the Air Force determined him qualified and appointed him to the position. Commencing with October 24, 1978, the Air Force reimbursed Mr. Platnick \$1,327.20 for 30 days of temporary quarters subsistence expenses, the maximum time period under the law. See 5 U.S.C. 5724a(a)(3). Since Mr. Platnick had arrived in Spokane, Washington, on September 9, 1978, he had incurred temporary quarters subsistence expenses which were not reimbursed by the Air Force as well as other costs. The costs were \$3,217.38 for temporary quarters subsistence expenses, \$91.30 for temporary storage of household goods in excess of the allowable maximum of 60 days furnished at Government expense, and \$233.84 for the rental of an automobile.

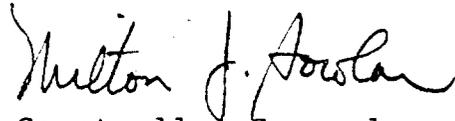
Since there exists no authority for reimbursement of the claimed expenses, we sustained the denial of the claim. As is indicated above, regarding the meritorious

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claims aspect of the case, we informed Mr. Platnick that his case did not constitute the type of case which we find appropriate to report to the Congress. Our determination was based on our general rule that for us to report a claim to the Congress under the Meritorious Claims Act, it must involve equitable circumstances of an unusual nature which are unlikely to constitute a recurring problem. Specifically, as we noted to Mr. Platnick, on several occasions we have found it necessary to deny reimbursement to claimants who through no fault of their own occupied temporary quarters due to erroneous information and administrative problems, and such cases were not deemed appropriate for reporting to Congress under the Meritorious Claims Act.

Accordingly, enactment of this legislation will result in preferential treatment of the individual over others similarly situated.

Sincerely yours,



For the Comptroller General  
of the United States

Enclosure